

LATHAM & WATKINS LLP
Timothy L. O'Mara (Bar No. 212731)
tim.o'mara@lw.com
Robin L. Gushman (Bar No. 305048)
robin.gushman@lw.com
Meiran Yin (Bar No. 335742)
meiran.yin@lw.com
505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Telephone: +1.415.391.0600
Facsimile: +1.415.395.8095

*Attorneys for Defendants Live Nation
Entertainment, Inc. and Ticketmaster L.L.C.*

[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JULIE BARFUSS, et al.,
Plaintiffs,

v.

LIVE NATION ENTERTAINMENT,
INC., TICKETMASTER L.L.C.,
KROENKE SPORTS &
ENTERTAINMENT, LLC, SOFI
TECHNOLOGIES, INC. and DOES 1
through 10, inclusive,

Defendants.

Case No. 2:23-cv-01114-GW-DTBx

**JOINT STATUS REPORT
FOR OCTOBER 31, 2024
STATUS CONFERENCE**

Judge: Honorable George H. Wu

Date: October 31, 2024

Time: 8:30 a.m.

Defendants Live Nation Entertainment, Inc., Ticketmaster L.L.C., SoFi Technologies, Inc., and Kroenke Sports & Entertainment, LLC and Plaintiffs Julie Barfuss, et al. (“Plaintiffs”) respectfully submit this Joint Status Report pursuant to this Court’s Order issued on September 17, 2024. *See* Minute Order, ECF No. 118.

The Ninth Circuit issued its decision in the *Heckman* appeal on October 28, 2024, affirming the decision of the District Court. *See Heckman v. Live Nation Entertainment, Inc.*, No. 23-55770 (9th Cir. Oct. 28, 2024), ECF No. 74. The Parties respectfully submit the following separate statements:

A. Statement of Defendants Live Nation Entertainment, Inc. and Ticketmaster L.L.C. (“Live Nation Defendants”)

The Ninth Circuit issued its decision in *Heckman* on October 28, 2024. The Live Nation Defendants respectfully disagree with the decision and intend to file a petition for rehearing and may file a petition for certiorari. The mandate will not issue until at least 7 days after the Ninth Circuit has ruled on the Live Nation Defendants’ petition for rehearing. Fed. R. App. P. 41(b). Until the mandate is issued, this case, like *Heckman*, remains stayed. *See* Nov. 6, 2023 Hr’g Tr. at 4:14–17 (“MS. YIN: . . . [T]he only request from our end would be to have Your Honor stay this case pending a resolution of the *Heckman* appeal. THE COURT: That would be my inclination.”). For that reason, the Live Nation Defendants respectfully request that the Court continue the October 31, 2024 status conference to December 5, 2024, to allow time for the final resolution of the *Heckman* appeal.

Once the mandate has issued, the Live Nation Defendants intend to meet and confer with Plaintiffs regarding a motion to compel arbitration and/or a motion to dismiss and propose a case schedule to the Court.

B. Statement of Defendant Sofi Technologies, Inc.

SoFi Technologies, Inc. (“SoFi”) has no objection to continuing the status conference until December 5, 2024. The Parties’ prior stipulation took off-calendar SoFi’s Motion to Stay or in the Alternative Motion to Dismiss until any Motions to

1 Compel Arbitration in this action were decided. (ECF No. 108.) Thereafter, the
2 Court took SoFi's Motion off-calendar until reinstated by the Court. (ECF No. 109.)
3 As such, SoFi also has no objection to meeting and conferring with the Parties to
4 determine a reasonable briefing schedule (and case schedule) once any arbitration
5 issues have been resolved and the Court reinstates SoFi's Motion per its prior order.

6 **C. Statement of Defendant Kroenke Sports & Entertainment, LLC**

7 Defendant Kroenke Sports & Entertainment, LLC joins in the statement of
8 Defendant SoFi.

9 **D. Statement of Plaintiffs**

10 Plaintiffs object to continuing this matter any further, unless the Live Nation
11 Defendants stipulate, or the Court orders, that the ultimate result in *Heckman* will
12 bind the Court and the parties in this case. Either the circumstances pertinent to a
13 motion to compel arbitration differ in this case from *Heckman*, in which case the
14 pendency of that matter should not impact the result in or delay this case any further,
15 or they do not, in which case the Court appropriately could order this matter
16 continued, but subject to further handling as dictated by the final resolution of the
17 arbitration issue in *Heckman*.

18
19 Dated: October 28, 2024

Respectfully submitted,

20 LATHAM & WATKINS LLP

21 By: /s/ Timothy L. O'Mara

22 Timothy L. O'Mara

23 505 Montgomery Street, Suite 2000
24 San Francisco, California 94111-6538
25 Tel.: +1.415.391.0600
26 Fax: +1.415.395.8095
tim.o'mara@lw.com

27 *Attorneys for Defendants Live Nation*
28 *Entertainment, Inc. and Ticketmaster*
L.L.C.

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BERRY SILBERBERG STOKES PC

By: /s/ Joshua C. Stokes

Joshua C. Stokes

11600 Washington Place, Suite 202C
Los Angeles, CA 90066
Tel.: (213) 986-2690
Fax: (213) 986-2677
jstokes@berrysilberberg.com

*Attorneys for Defendant SoFi
Technologies, Inc.*

FOSTER GRAHAM MILSTEIN &
CALISHER, LLP

By: /s/ Michael A. Rollin

Michael A. Rollin

360 South Garfield Street, 6th Floor
Denver, Colorado 80209
Tel.: 303-333-9810
mrollin@fostergraham.com

*Attorneys for Defendant Kroenke
Sports & Entertainment, LLC*

Dated: October 28, 2024

Respectfully submitted,

GENGA & ASSOCIATES, P.C.

By: /s/ John M. Genga

John M. Genga

16501 Ventura Blvd., Suite 400
Encino, CA 91436
Tel.: (747) 231-3400
Fax: (818) 474-7070
jgenga@gengalaw.com

*Attorneys for Plaintiffs Julie Barfuss,
et al.*

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ATTESTATION

I am the ECF user whose identification and password are being used to file the foregoing Joint Status Report for October 31, 2024 Status Conference. Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), I, Timothy L. O'Mara, attest that all other signatories listed, and on whose behalf the filing is submitted, concur in this filing's content and have authorized such filing.

Dated: October 28, 2024

/s/ Timothy L. O'Mara

Timothy L. O'Mara